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IN THE HIGH COURT OF CHHATTISGARH JUDICATURE AT

BILASPUR

W.P. NO. 1141 /2003

PETITIONER

:- Gopal Prasad Gahwai, S/o Shri Sahasram Gahwai, aged about 74 Years, Retired Principal, R/o Vidhya-upnagar, Bilaspur (C.G.)

Versus

RESPONDENTS

:- 1. State of M.P. , Through The Ministry of Education, Through Its Secretary, Vallabh Bhawan, Bhopal (M.P.)

Now, State of Chhattisgarh, Through Ministry of Education, Through its Secretary, Mantralay D.K.Bhawan Raipur (C.G.)

2. Director of Public Education M.P. Bhopal

Now, Director of Public Education Chhattisgarh, Raipur (C.G.)

3. Director Pension, MPP. Bhopal

Now Director Pension, Chhattisgarh Raipur (C.G.)

P. R. No. 1141/2003
Presented by Shri. R. H. Pandey
dated 22.02.03

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PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA

1. Particulars of the petitioner

As mentioned in the cause title.

2. Particulars of the respondent

As mentioned in the cause title.



आदेश पत्रक

मामला क्रमांक W.P. 1141/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>Division Bench:-</u> Hon'ble Shri K.H.N. Kuranga, C.J. and <u>Hon'ble Shri L.C. Bhadoo, J.</u> <u>24.06.2003</u> Shri Atul Pandey, counsel for the petitioner. Shri Sanjay K. Agrawal, Deputy Advocate General for the State / respondents. Heard both the counsel. By this petition filed under Article 226 & 227 of the Constitution of India, the petitioner has challenged the order dated 28th April, 1998 passed by Madhya Pradesh Administrative Tribunal, Jabalpur passed in Original Application No.1508/89 by which the learned Tribunal after interpreting Rule 26, 27 & 28 of the Madhya Pradesh Civil Services (Pension) Rules, 1976, reached to the conclusion that the petitioner is not entitled for any benefit of counting his services from 01.07.1950 to 30.11.1987 on the ground that the petitioner himself after resigning from the Government service on 04.08.1966 joined the Private Institution on 05.08.1966 and worked	

आदेश पत्रक

मामला क्रमांक

W.P. 1141/

सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	there till 30.11.1987. However that Private Institution was taken over by the Government on 05.02.1967. The petitioner had resigned from his service on 04.08.1986 and thereafter, he was not at all in the Government service. In the above circumstances, the respondents have rightly counted his service for fixation of his pension from 05.02.1967 to 30.11.1987 as that Private Institution was taken over by the Government and remained as Government Institution for this period and the services of the petitioner was not counted from 01.07.1950 to 30.11.1987 for the purpose of fixation of his pension, as there was an interruption in his service on account of forfeiture of his service occurred on account of his resignation w.e.f. 04.08.1966 to 05.02.1967. As per Rule 27, the interruption in the service of a Government servant entails forfeiture of his past service. Hence, due to the interruption in the service of the petitioner, his past service was forfeited automatically as per the provisions of Rule 26 & 27 of the M.P. Civil Services (Pension) Rules, 1976 as during the period from	

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आदेश पत्रक

मामला क्रमांक

W.P. 1141/

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विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
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	05.08.1966 to 05.02.1967, the petitioner was not in Government service. Therefore, that interruption was not condoned by the Government because as per Rule 28 the petitioner has not resigned or went to the Private Institution with the permission of the Government. In view of the above, we do not find any infirmity or illegality in the impugned order. The learned Tribunal has rightly rejected the application of the petitioner. We do not find any force in this petition. Therefore, the petition is liable to be rejected and it is rejected. Consequently, I.A.No.3184/2003 stands disposed of.	
	Sd/- Chief Justice	Sd/- L.C. Bhadoo Judge
Soma		

[पीछे देखिये]

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19/6/08